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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Grant

Serial No.: 09/804,484

Filed: 3/13/2001

Group Art Unit: 1614

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Title: Compositions for Treating
Retinopathy and Methods of Using
Same

Attorney Docket No.: UF-10287R

Assistant Commissioner for Patents
Washington, D.C. 20231



INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted:

- ☒ under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:
- ☐ Certification under 37 CFR 1.97(e), or
 - ☐ a \$240.00 fee under 37 CFR 1.17(p), or
- (After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:
- ☐ Certification under 37 CFR 1.97(e), and
 - ☐ a petition under 37 CFR 1.97(d)(2)(ii), and
 - ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i)(1).
- (Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

☒ Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation together with copies, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

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The relevance of the attached references is that this is the closest art of which Applicant is aware. Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

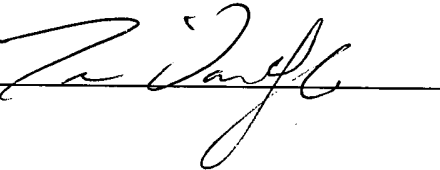
Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 7-23-2002

Typed Name: Timothy H. Van Dyke

Signature:



Timothy H. Van Dyke
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Date: 7-23-2002

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
Application Number			09/804,484	
Filing Date			3/13/2001	
First Named Inventor			Grant	
Group Art Unit			4614/653	
Examiner Name			Unknown	
Attorney Docket Number			UF-10287R	

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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class Where Relevant Passages or Relevant Figures Appear Subclass
		Number	Kind Code ² (if known)			
JRL JRL/AWZ JRL JRL JRL JRL JRL JRL JRL JRL JRL JRL JRL JRL JRL	6105	5,384,333		Davis, et al.	01-24-1995	514/772.3
		5,164,188		Wong	11-17-1992	924/428
		4,997,652		Wong	03-05-1991	424/428
		5,185,152		Peyman	02-09-1993	424/427
		5,718,922		Herrero-Vanrell, et al.	02-17-1998	424/501
		5,710,182		Reunamaki, et al.	01-20-1998	514/772.3
		5,378,475		Smith, et al.	01-03-1995	424/473
		5,443,505		Wong, et al.	08-22-1995	623/4
		5,583,224		Riese	12-29-1998	299/13
		5,554,187		Rizzo, III	09-10-1996	623/6
		4,863,457		Lee	09-05-1989	604/891.1
		5,098,443		Parel, et al.	03-24-1992	623/4
		5,725,493		Avery, et al.	03-10-1998	604/9
		5,719,175		Heath, Jr., et al.	02-17-1998	514/410
		5,710,145		Engel, et al.	01-20-1998	514/183
5,919,813		De Juan, et al. Jr.	07-06-1999	514/432		

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

Examiner Signature: <u>Jeffrey E. Russell</u>	Date Considered: <u>September 17, 2002</u>
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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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			Application Number	09/804.484	
			Filing Date	3/13/2001	
			First Named Inventor	Grant	
			Group Art Unit	1614 1653	
			Examiner Name	Unknown	
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
JR		ANONYMOUS, <i>MMWR</i> (1993) 42(10): 191-195.	
JR		PLEWE, G. <i>et al.</i> "Somatostatin analogue SMS 201-995 in type I diabetes mellitus. Initial experience after repeated administration." <i>Scand J Gastroenterol Suppl.</i> (1986) 119: 166-169.	
JR		KLEIN, <i>et al.</i> <i>Ophthalmol.</i> (1984) 91: 10-17.	
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JR		MURPHY, <i>American Family Physician</i> (1995) 51(4): 785-796.	
JR		ROHRER, <i>et al.</i> "Rapid identification of subtype-selective agonists of the somatostatin receptor through combinatorial chemistry" <i>Science.</i> (1998) 282: 737-740.	
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JR		VALLI, <i>et al.</i> <i>Ophthalmologica.</i> (1995) 209(13): 117-121.	
JR		ASHP <i>Handbook on Injectable Drugs.</i> Trissel, 4 th ed. (1986) 622-630.	
JR		AIELLO, <i>et al.</i> <i>PNAS USA.</i> (1995) 92: 10457-10461.	
JR		DHAR, <i>et al.</i> <i>Mol. Pharmacol.</i> (1990) 37: 519-525.	



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				Application Number	09/804.484
				Filing Date	3/13/2001
				First Named Inventor	Grant
				Group Art Unit	1614
				Examiner Name	Unknown
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Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
JR		ASAHI, <i>et al.</i> <i>FEBS Letter.</i> (1992) 309: 10-14.	
JR		TOMLINSON, <i>et al.</i> <i>Pharmac. Ther.</i> (1992) 54: 151-194.	
JR		THE DIABETIC RETINOPATHY STUDY RESEARCH GROUP "Indications for photocoagulation treatment of diabetic retinopathy: Diabetic Retinopathy Study Report No: 14" <i>Int. Ophthalmol. Clin.</i> (1987) 27: 239.	
JR		EARLY TREATMENT DIABETIC RETINOPATHY STUDY RESEARCH GROUP "Techniques for scatter and local photocoagulation treatment of diabetic retinopathy. Early Treatment Diabetic Research Study Report No. 3" <i>Int. Ophthalmol. Clin.</i> (1987) 27: 254-264.	
JR		KIRKEGAARD, <i>et al.</i> "Effect of one year continuous subcutaneous infusion of a somatostatin analogue, octreotide, on early retinopathy, metabolic control and thyroid function in Type-1 (insulin-dependent) diabetes mellitus" <i>Acta Endocrinol (Copenh)</i> (1990) 122: 766-72.	
JR		COLAS, <i>et al.</i> "Stimulation of a membrane tyrosine phosphatase activity by somatostatin analogues in rat pancreatic acinar cells" <i>Eur. J. Biochem.</i> (1992) 207: 1017-1024.	
JR		LESZCZYNSKI, <i>et al.</i> "Rat heart smooth muscle cells express high and low affinity receptors for somatostatin-14, which are involved in regulation of cell proliferation" <i>Life Sci.</i> (1993) 53: 1663-1674.	
JR		GRANT, <i>et al.</i> "Inhibition of IGF-I and b-FGF stimulated growth of human retinal endothelial cells by the somatostatin analogue, octreotide: a potential treatment for ocular neovascularization" <i>Regul Pept</i> (1993) 48: 267-278.	
JR		GRANT, <i>et al.</i> <i>Diabetes.</i> (1986) 35: 416-420.	
JR		MEYER-SCHWICKERATH, <i>et al.</i> <i>J. Clin. Invest.</i> (1993) 92: 2620-2625.	
JR		GRANT, <i>et al.</i> <i>Ann Ny Acad Science.</i> (1993) 692: 230-242.	

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JR		DANIS, et al. <i>Ophthalmology</i> . (1997) 104: 1661-1669.	
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JR		AIELLO, et al. <i>Diabetes</i> . (1997) 46: 1473-1480.	
JR		SMITH, et al. <i>Science</i> . (1997) 276: 1706-1709.	
JR		McCOMBE, M. et al. "Effect of long-acting somatostatin analogue (BIM23014) on proliferative diabetic retinopathy: a pilot study" <i>Eye</i> (1991) 5: 569-575.	
		GRANT, MARIA, et al. "Ocreotide Retards Progression of Diabetic Retinopathy in Patients Treated with Thyroxine" University of Florida, College of Medicine.	

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Notice of References CitedApplication/Control No.
09/804,484Applicant(s)/Patent Under
Reexamination
GRANT, MARIAExaminer
Jeffrey E. RusselArt Unit
1653

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,440,933-B1	08-2002	Bodor et al	514/11
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
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	Q					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Grant et al. Octreotide Retards Progression of Diabetic Retinopathy in Patients Treated with Thyroid Hormone. Diabetes. 1999, Vol. 48, Suppl. 1, pages A155-A156, Abstract No. 0674.
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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